

UNITED STATES DISTRICT COURT  
SOUTHER DISTRICT OF NEW YORK

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JOSE MEDIAVILLA,

PLAINTIFF,

vs.

THE CITY OF NEW YORK, a municipal entity,  
NYPD LIEUTENANT MICHAEL ZIELINSKI,  
NYPD DEPUTY CHIEF STEVE ANGER,  
NYPD PO ANTHONY CIARAMITARO (#27932),  
NYPD DEPUTY INSPECTOR FRANK  
TLOCZKOWSKI,  
NYPD DEPUTY INSPECTOR ELISA COKKINOS,  
NYPD LIEUTENANT BILL COOK,  
NYPD LIEUTENANT DANIEL J. ALBANO,  
NYPD PO MICHAEL HO and NEW YORK CITY  
POLICE OFFICERS "JOHN DOES 1-10"  
DEFENDANTS.

INDEX #:  
14CV8624(VSB)(HBP)  
ECF CASE

Declaration of Wylie  
Stecklow in Opposition  
to the Defendants' Motion  
for Summary Judgment  
and in Support of  
Plaintiff's Cross Motion  
for Leave to Amend  
his Complaint

-----X  
Wylie Stecklow of Stecklow & Thompson, declares under penalty of perjury and  
pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am the attorney of record in this case. As such, I am familiar with the facts stated below and the proceedings held herein. I submit this declaration in opposition to the defendants' motion for summary judgment.
2. Attached hereto as Exhibit A is an affidavit of the plaintiff Jose Mediavilla.
3. Attached hereto as Exhibit B is a true and correct copy of the October 29, 2014 Complaint.
4. Attached hereto as Exhibit C is a true and correct copy of the November 5, 2014 First Amended Complaint filed via ECF.
5. Attached hereto as Exhibit D is a true and correct copy of the February 6, 2015 email.

6. Attached hereto as Exhibit E (i) is a true and correct copy of an undated letter sent March 10, 2015.

7. Attached hereto as Exhibit E (ii) is a true and correct copy of an email dated March 10, 2015.

8. Attached hereto as Exhibit E (iii) is a true and correct copy of an email dated April 1, 2015.

9. Attached hereto as Exhibit E (iv) is a true and correct copy of an email dated June 18, 2015.

10. Attached hereto as Exhibit E (v) is a true and correct copy of an email dated June 18, 2015.

11. Attached hereto as Exhibit F is a true and correct copy the so-ordered stipulation dated May 19, 2015.

12. Attached hereto as Exhibit G is a true and correct copy of the affidavit of Joshua Wiles dated October 5, 2011.

13. Attached hereto as Exhibit H (i) is a true and accurate copy of a photograph taken by Mark Flaur on October 5, 2011.

14. Attached hereto as Exhibit H (ii) is a true and accurate copy of a magnified portion of a photograph taken by Mark Flaur on October 5, 2011.

15. Attached hereto as Exhibit I is a true and accurate copy of an article from CBS News found here: <http://www.cbsnews.com/news/nypd-cops-plead-not-guilty-in-ticket-fixing-case/>

16. Attached hereto as Exhibit J is a true and accurate copy of an Associated Press photograph.

17. Attached hereto as Exhibit K(i) is a true and accurate copy of a photo that appeared in a Daily News article found here: <http://www.nydailynews.com/news/ticket-fixing-case-brings-worst-nypd-potty-mouthed-supporters-scandal-article-1.968588>

18. Attached hereto as Exhibit K(ii) is a true and accurate copy of a news article that appeared in a Daily News article found here: <http://www.nydailynews.com/news/ticket-fixing-case-brings-worst-nypd-potty-mouthed-supporters-scandal-article-1.968588>

19. Attached hereto as Exhibit K (iii) is a true and accurate copy of a photo taken by David Karp of the Associated Press that appeared here: [http://www.nbcnews.com/id/45078456/ns/us\\_news-crime\\_and\\_courts/t/nyc-cops-plead-not-guilty-drug-ticket-fixing-probe/#.VYHpAVxVhBc](http://www.nbcnews.com/id/45078456/ns/us_news-crime_and_courts/t/nyc-cops-plead-not-guilty-drug-ticket-fixing-probe/#.VYHpAVxVhBc)

20. Attached hereto as Exhibit L (i) is a true and accurate copy of an ABC news article that is found here: <http://abcnews.go.com/blogs/business/2011/10/bank-transfer-day-gains-momentum-on-facebook/>

21. Attached hereto as Exhibit L (ii) is a true and accurate copy of a Fox Business News article found here: <http://www.foxbusiness.com/personal-finance/2011/11/07/credit-unions-feel-boost-from-bank-transfer-day/>

22. Attached hereto as Exhibit M is a true and accurate copy of the deposition transcript of PO McNamara in the matter of Wiles v. City Of NY, et al., 13CV2898(VSB).

23. Attached hereto as Exhibit N (i) is a true and accurate copy of the pages 1-100 of the deposition transcript of Lieutenant Zielinski in the matter of Wiles v. City Of NY, et al., 13CV2898(VSB).

24. Attached hereto as Exhibit N (ii) is a true and accurate copy of the pages 101-213 of the deposition transcript of Lieutenant Zielinski in the matter of Wiles v. City Of NY, et al., 13CV2898(VSB).

25. Attached hereto as Exhibit O is a true and accurate copy of the deposition transcript of the City of New York by FRCP 30(b)(6) witness Chief Steven Anger in the matter of Wiles v. City Of NY, et al., 13CV2898(VSB).

26. Attached hereto as Exhibit P is a true and accurate copy of the criminal complaint and supporting deposition in the matter of People v. Mediavilla, 2012NY00000.

27. Attached hereto as Exhibit Q is a true and accurate copy of a summons received by Jose Mediavilla on or around November 12, 2011.

28. Attached hereto as Exhibit R is a true and accurate copy of the case inquiry related to the arrest date of Jose Mediavilla of November 12, 2011.

29. Attached hereto as Exhibit S is a true and accurate copy of a certificate of disposition related to the arrest date of Jose Mediavilla of November 12, 2011.

30. Attached hereto as Exhibit T is a true and accurate copy of the complaint from the matter Collins et al. v. City of NY, et al., 14CV8815 (AJN).

31. Attached hereto as Exhibit U is a true and accurate copy the deposition transcript of Deputy Inspector Brandon Del Pozo in the matter of Peat v. City Of NY, et al., 12CV8230(SAS).

32. Attached hereto as Exhibit V is a true and accurate copy of the deposition transcript of Inspector Edward Winski in the matter of NYC Council Member Rodriguez, et al v. Edward Winski, et al., 12CV3389 (NRB).

33. Attached hereto as Exhibit W is a true and accurate copy of the deposition transcript of the City of New York by FRCP 30(b)(6) witness Deputy Inspector Anthony J. Raganella in the matter of Wiles v. City Of NY, et al., 13CV2898(VSB).

34. Attached hereto as Exhibit X is a true and accurate copy of the deposition transcript of Lieutenant Jack Konstantinidis in the matter of Stoeckley, et al v. The City of NY, et al., 13CV6173 (VSB).

35. Attached hereto as Exhibit Y is a true and accurate copy of the deposition transcript of PO Christopher Perkins in the matter of Wiles v. City Of NY, et al., 13CV2898(VSB).

36. Attached hereto as Exhibit Z is a true and accurate copy of the deposition transcript of Detective Pastula in the matter of Peat, et al. v. City Of NY, et al., 12CV8230(SAS).

37. Attached hereto as Exhibit AA is a true and accurate copy of the deposition transcript of PO Brehm in the matter of Peat, et al. v. City Of NY, et al., 12CV8230(SAS).

38. Attached hereto as Exhibit BB a true and accurate copy of the deposition transcript of PO Chris Rinelli in the matter of Laugier v. City Of NY, et al., 13CV6171(JMF).

39. Attached hereto as Exhibit CC is a true and accurate copy of a screen capture taken from a youtube video.

40. Attached hereto as Exhibits DD (i-iv, v) are true and accurate copies of photographs found on the internet.

41. Attached hereto as Exhibit DD (iv) is a true and accurate copy of an article that can be found here: <http://ny.eater.com/2014/9/17/6575239/central-perk-draws-epic-line-of-friends-fans-to-soho> along with some photographs that were tweeted out and used in a news article.

42. Attached hereto as Exhibit EE is a true and accurate copy of a letter from the NYC Office of the Mayor dated January 13, 2014 with a Super Bowl fact sheet attached.

43. Attached hereto as Exhibit FF (i-ii) is a true and accurate copy of a New York Daily News Article found here: <http://www.nydailynews.com/new-york/super-bowl-xlvi-iii-numbers-article-1.1589511> and a New York Post Article found here: <http://nypost.com/2014/01/27/nypd-plans-high-security-on-super-bowl-boulevard/>.

44. Attached hereto as Exhibit GG is a true and accurate copy of a document titled, Super Bowl powerpoint.

45. Attached hereto as Exhibit HH is a true and accurate copy of a screen capture from a youtube video found on the internet.

46. Attached hereto as Exhibit II is a true and accurate copy of a pamphlet concerning safety co-authored by the NYPD and Times Square Alliance and can be found here: [file:///Users/wylie/Downloads/SuperBowl\\_2014\\_GeneralPublicAwareness.pdf](file:///Users/wylie/Downloads/SuperBowl_2014_GeneralPublicAwareness.pdf)

47. Attached hereto as Exhibit JJ is a true and accurate copy of a New York Times article titled, Super Bowl Fever Hits Midtown, but Many There Aren't Catching It, found here: <http://www.nytimes.com/2014/01/31/nyregion/super-bowl-fever-hits-midtown-but-not-everyone-has-caught-it.html>

48. Attached hereto as Exhibit KK (i) is a true and accurate copy of an article in Huffington Post about the 2012 Vanity Fair Tribeca Film Festival opening party at the New York State Supreme Courthouse that can be found here: [http://www.huffingtonpost.com/2012/04/18/tribeca-film-festival-opening-party-vanity-fair\\_n\\_1434423.html](http://www.huffingtonpost.com/2012/04/18/tribeca-film-festival-opening-party-vanity-fair_n_1434423.html) Vanity Fair of the New York State Supreme Courthouse for the 2015 opening party of the Tribeca Film Festival.

49. Attached hereto as Exhibit KK (ii) is a true and accurate copy of an image from Vanity Fair of the New York State Supreme Courthouse for the 2015 opening party of the Tribeca Film Festival.

50. Attached hereto as Exhibit KK (iii) is a true and accurate copy of a photograph taken on July 17, 2015 in front of 60 Centre Street.

51. Attached hereto as Exhibit LL is a true and accurate copy of an image from WWD that shows Mayor Bill DeBlasio inside the New York State Supreme Courthouse for the 2014 Tribeca Film Festival opening party that can be found here: <http://wwd.com/eye/parties/mayor-bill-de-blasio-governor-cuomo-meet-at-tribeca-film-festival-7655738/>

52. Attached hereto as Exhibit MM is a true and accurate copy of a blog that can be found here: <http://allthingslawandorder.blogspot.com/2007/12/law-order-locations-new-york-county.html>

53. Attached hereto as Exhibit NN is a true and accurate copy of an article that can be found here: <http://www.onthesetofnewyork.com/mostpopularsupremecourtbuilding.html>

54. Attached hereto as Exhibit OO is a true and accurate copy of a zoning map of the downtown area.

55. Attached hereto as Exhibit PP is a true and accurate copy of a New York Times Blog article that can be found here: <http://cityroom.blogs.nytimes.com/2011/11/05/police-force-wall-street-protesters-off-sidewalks/>

56. Attached hereto as Exhibit QQ is a true and accurate copy of two map images from google maps created by seeking the distance and time for a pedestrian to walk from Worth and Centre Street to Cardinal Hayes Place and from Lafayette and Worth to Cardinal Hayes Place; and two map images from the OASIS system showing the Foley Square environs on one OASIS image and the Seventh Avenue – Madison Square Garden environs.

57. Attached hereto as Exhibit RR is a true and accurate copy of a New York Times Blog article that can be found here: <http://www.nytimes.com/2012/06/19/nyregion/8-occupy-protesters-convicted-of-trespassing-on-trinity-church-property.html>

58. Attached hereto as Exhibit SS is a true and accurate copy of a FOIL request and response from the New York County District Attorney's Office.

59. Attached hereto as Exhibit TT is a true and accurate copy of the deposition transcript of the City of New York by FRCP 30(b)(6) witness Lietuenant Czark in the matter of Wiles v. City Of NY, et al., 13CV2898(VSB).

60. Attached hereto as Exhibit UU is a true and accurate copy of a news article titled, NYPD Riot Units Conducts Drills, published on August 14, 2011 that can be found here: <http://www.metro.us/local/nypd-riot-units-conduct-drills/tmWkhn---efd5XuabG7Tyw/>

61. Attached hereto as Exhibit VV is a true and accurate copy of a news article titled, New York City to pay \$18 million to settle lawsuits over 2004 arrests that can be found here: <http://www.reuters.com/article/2014/01/15/us-usa-newyork-rnc-settlement-idUSBREA0E1S120140115>

62. Attached hereto as Exhibit WW is a true and accurate copy of a table of lawsuits related to Occupy Wall Street that have been filed and/or settled in the Southern District of New York.

**VIDEO**

63. Attached hereto as Plaintiffs Video Exhibit F is a true and correct copy of a video with the file name: Plaintiffs Video Exhibit F- MVI\_2180 4 arrest.mov.

64. Attached hereto as Plaintiffs Video Exhibit G is a true and correct copy of a video with the file name: Plaintiffs Video G UTB - November 5, 2011 OWS march to Foley Square – 2

65. Attached hereto as Plaintiffs Video Exhibit H is a true and correct copy of a video with the file name: Plaintiffs Video H - #OWS Solidarity Event\_ Move Your Money - Foley Square, NYC 1

66. Attached hereto as Plaintiffs Video Exhibit I is a true and correct copy of a video with the file name: Plaintiffs Video Exhibit I VTS\_01\_2

DATED: New York, New York  
July 17, 2015

Respectfully submitted,

//s//

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Wylie Stecklow [DT 3991]  
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